

1 HOUSE JOINT RESOLUTION NO. 23

2 INTRODUCED BY J. WINDY BOY

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA URGING THE MEMBERS OF THE MONTANA CONGRESSIONAL DELEGATION TO INTRODUCE
6 LEGISLATION IN THE UNITED STATES CONGRESS AS PROMPTLY AS POSSIBLE TO EXEMPT THE
7 INDIAN LIVESTOCK PRODUCERS WHO RAISE BEEF CATTLE EXCLUSIVELY ON INDIAN RESERVATIONS
8 IN MONTANA FROM THE ASSESSMENT OF ANY FEES ASSOCIATED WITH THE BEEF CHECKOFF
9 PROGRAM.

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11 WHEREAS, since 1986, the State of Montana has actively participated in the National Beef Checkoff
12 Program in which livestock producers both on and off Indian reservations pay \$1 for each head of beef cattle
13 that they sell; and

14 WHEREAS, Indian livestock producers are assessed the \$1 for each head of beef cattle that they sell,
15 of which 50 cents goes into a national checkoff fund that is administered by the United States Department of
16 Agriculture and the other 50 cents goes into the checkoff fund of the state in which the sale was made, with the
17 Montana Beef Council receiving the Montana funds; and

18 WHEREAS, a United States District Court Judge in South Dakota has issued an injunction to halt the
19 collection of national beef checkoff assessments that livestock producers nationwide approved through a
20 referendum in 1986, and the injunction is scheduled to take effect July 15, 2003, unless further legal action is
21 initiated; and

22 WHEREAS, Indian livestock producers who raise beef cattle exclusively on Indian reservations in
23 Montana are subjected to the \$1 assessment during beef cattle change of ownership inspections provided by
24 deputy state stock inspectors throughout the state, by Department of Livestock brands enforcement inspectors
25 or investigators, and at the 15 livestock markets; and

26 WHEREAS, the Indian livestock producers on Indian reservations in Montana believe that the \$1
27 assessment on Indian beef cattle amounts to an unlawful tax on livestock raised exclusively on Indian lands in
28 Montana.

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30 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF

1 THE STATE OF MONTANA:

2 That the members of the Montana Congressional Delegation be urged to introduce legislation in the
3 United States Congress as promptly as possible to exempt the Indian livestock producers who raise beef cattle
4 exclusively on Indian reservations in Montana from the assessment of any fees associated with the National
5 Beef Checkoff Program.

6 BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the members
7 of the Montana Congressional Delegation and the Secretary of the United States Department of Agriculture.

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